Petitioner

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 91-87-A

* * * * * * * * * * FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 400.1 Baltimore County Zoning Regulations (B.C.Z.R.) to construct an accessory structure (inground pool) to be located in the side yard in lieu of the required rear yard, as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner having filed a Petition for a Residential Variance, the subject property, known as 9046 Naygall Road, zoned D.R. 3.5, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioner is requesting a variance to allow an accessory structure (inground pool) to be located in the side yard in lieu of the required rear yard.

The Petitioner has filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is no evidence in the file or record to indicate that the subject variance would adversely affect the health, safety and/or general welfare of the public.

In the opinion of the Zoning Commissioner, it is established that the information and affidavits provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unrea-

sonable hardship upon the Petitioner able, the relief should be granted. Pursuant to the posting of the pro the Baltimore County Code and the Baltimore for the reasons given above, the requisited value ace THEREFORE, IT IS ORDERED by the Zoning

Section 400.1 Baltimore County Zoning Regulations (B.C. R.) to allow accessory structure (inground pool) to be located in the side yard in the of the required rear yard, in accordance with Petitioner's Exhibit No.

is hereby GRANTED, subject, however, to the following restriction which

are conditions precedent the relief granted herein:

The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original

AFFIDAVIT IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

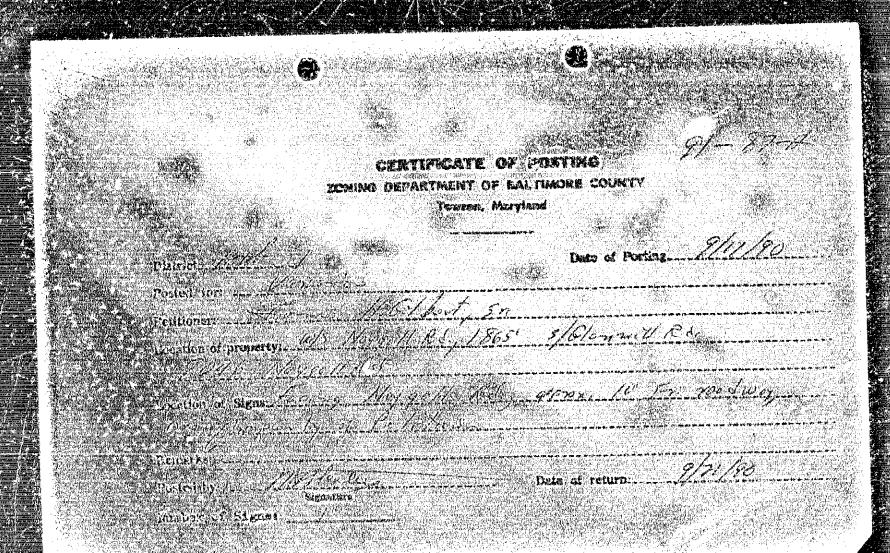
That the Affiant(s) does/do presently or upon settlement will reside at 9046 NAYGOLL ROAD BALTO, Md 21234

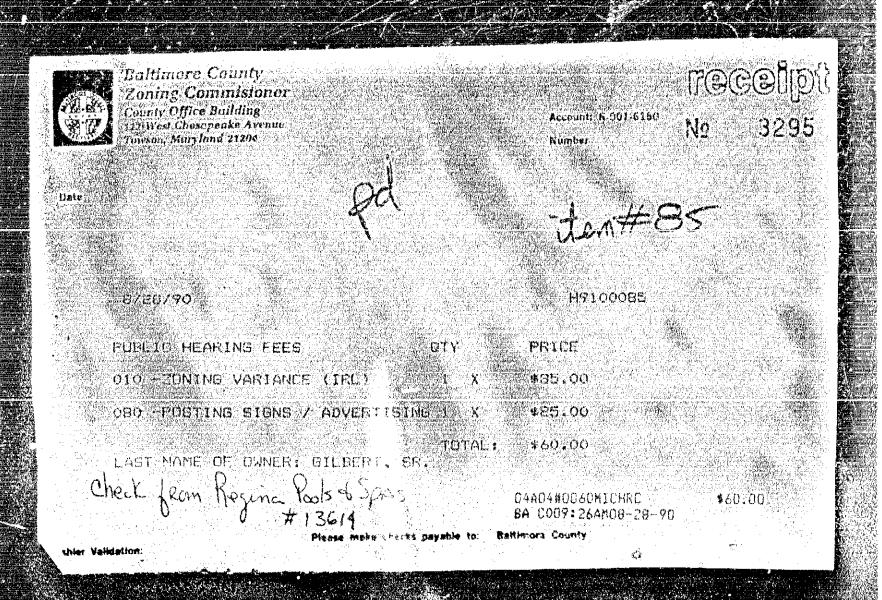
That based upon personal knowledge, the following are the facts upon which I/we base the request for for a Residential Zoming Variance at the above address: (indicate hardship or practical difficulty) THIS DROPERTY BEING A FLAG LOT DESIGN.

THE MISPOSTIONING OF STED ON THIS LOT.

TO WTILTE LOT SPACE TOR EXIST POOL LOCATION

*ZONING DESCRIPTION Beginning at a point on which is 50 feet wide.





PETTAL FOR RESIDENTIAN WARRANCE The undersigned, legal (owner(s) of the property withan TO CONSTRUCT AND MODE POOL, IN THE SIDE SARD ARRIVED BEAR YARD DREAM of the Zoning Regulations of Pol Zoning law of Baltimore County, for the roll WH LOT HESIGN 1) THIS PROPERTY BEILL A SE 2) THE MISPOSITIONING CASED ON THIS LOT 3) TO UTILINE ENLET STATE FOR BEST POOL LOCATION. Property is to be edvertised and/or posted as prescribed by Zoning Regulations. or ve, regree to pay expenses of the above Variance posting and, if necessary, advertising, upon i of this petition; wand further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Loging Law for Baltimore County. I/We do solemnly declare and affirmy unc penalties of perjury, that I/we are the owner(s) of the property which is the Corner for Petitioners (Type or Print Ham) OWERED by the Iming Doubleviews of Astrines County, this 28 day of Ave . 18 90, that the subject methas of this position be posted on the property on a property the 19 day of Sept. A PUBLIC HEARING HAVING WEEN RECLESTED AND/OR FOUND TO BE REQUIRED. If is further makes by the Zoning Commissioner of Baltimore County, while day of 19 matter of this patition be advertised, as required by the lanting Law of Baltimore County, in two namepapers of general stronger to suffer out Settimore County, that the preparty be reported, and that the public hearing be had before the County, that the preparty be reported, and that the public hearing be had before the County, in Rock 108; Chisky Office Hullding in Towson, Baltimore County, on the _____dop of

Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204

Mr. Jares S. Gribert, Sr. 9046 Nargall Road Baltimore, Naryland 21251

number. Buy contact scale to this office about received to the property of the contact and the contact of the c

1) Tour torope to office that shows before deptished 1-2, 1990. The first consinguate of which a neighbor 1990 differ formal request for bearing is despite 4. 1990, Should that the result be filed, you will receive well reflect, that the muiter will not be fixed through the administration of cases. This will worm advertising at the public hearing has repeating of the property. The public beaches will be scheduled approximately Mar of the free receipt of said notice. In either case, (a) receipt of confine that you All have a publish as manager, (b) the pushing of the election date, the sign and rest can then is removed from the property and recovered to this office. Pallure to return the sign and past will cause your Order to bald and inear a \$50.00 charge. Pleans be edvised that the Order will not be evaluable for you to pick-up the day you return the sign.

2) Assembling as nalphbor how requested a public hearing, the file one cotons the the edulationise present. The Louisy forederiouse uner new Jurice whether to great by also has the option to remost a public hearing.

> 3) PLEAST UNDERSTAND THAT ON THE DATE THE PROCESS IN MOT COMPLETE. THE FIF REVIEW AND THE DECISION MARYERS PROFE READY IT WILL DE FORWARDED TO YOU T ORDERS ARE NOT AVAILABLE FOR DISTA

- (301) 807 3 V r

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner

September 20, 1990

Dennis F. Rasmussen
County Executive

9046 Naygall Road Baltimore, MD 21234

Mr. Jams H. Gilbert, Sr.

RE: Item No. 85, Case No. 91-87-A Petitioner: James H. Gilbert, Sr. Petition for Residential Variance

Dear Mr. Gilbert:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

JED:jw

Enclosures

91-81-4

CCICION, +

INTER-OFFICE CORRESPONDENCE

J. Robert Haines

DATE: October 12, 1990

Office of Planning and Zoning

The Petitioner requests a Variance to construct an accessory

PALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: September 14, 1990

Zoning Advisory Committee Meeting for September 18, 1990

FROM: Robert W. Bowling, P.E.

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 78, 80, 83, 84, 85, 86 and 87.

Item 82 is subject to the previous County Review Group comments. From a point 195 feet northeast of Stonewall Road the panhandle to Lot 3 is a single panhandle and as per the Highway Comments, should be 20 feet wide in this area. The increase in panhandle width will impact the setbacks for Lots 1 and 2.

We also recommend the disposition of the remaining parcel on Stonewall Road be noted as it will be below standard for DR-2.

> ROBERT W. BOWLING, F. E., Chief Developers Engineering Division

RWB:s

BALTIMORE COUNTY, MARYLAND

Zoning Commissioner

Pat Keller, Deputy Director

SUBJECT: James H. Gilbert, Sr., Item No. 85

structure in the side yard in lieu of the required rear yard.

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM85/ZAC1

ZONING COMMISSIONER

Received By:

Your petition has been received and accepted for filing this

28th day of August, 1990.

Petitioner: James H. Gilbert, Sr.

Petitioner's Attorney:

Baltimore County

(301) 887, 3557

J. Robert Haines

Zoning Commissioner

Office of Flanning & Loning

Towson, Maryland 21204



September 19, 1990



J. Robert Haines Zoning Commissioner Office of Planning and Zoning Paltimore County Office Building Towson, MD 21204

RE: Property Owner: JAMES H. GILEERT, SF.

> Location: #9046 NAYGALL ROAD

Item No.: *85 Zoning Agenda: SEPTEMEER 18, 1990

Gentlemen:

Baltimore County

700 East Joppa Road, Suite 901

Towson, Maryland 21204-5500

Fire Department

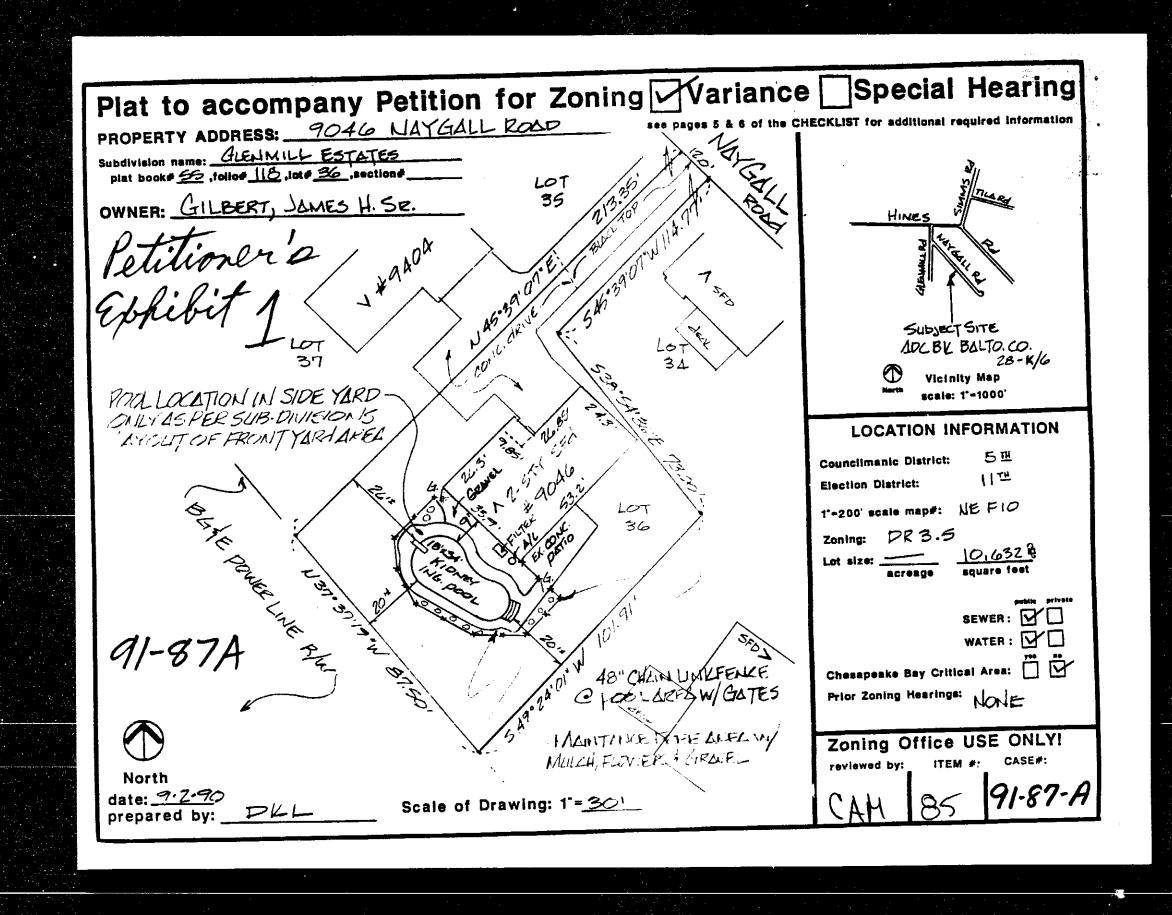
(301) 887-4500

Paul H. Reincke

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

JK/KEK



CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES ZONING ITEM #: 85 PROPERTY OWNER: James H. Gilbert, Sr.

J. ROBERT HAINES, ZONING COMMISSONER, DEPARTMENT ZONING

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE September 13, 1990

LOCATION: W/S Naygall Road, 1865' S Glenmill Road (#9046 Naygall Road) ELECTION DISTRICT: 11th COUNCILMANIC DISTRICT: 5th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE

() PARKING LOCATION () NUMBER PARKING SPACES () BUILDING ACCESS

HANDICAPPED.

() RAMPS (degree slope) () CURB CUTS () SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

() OTHER -

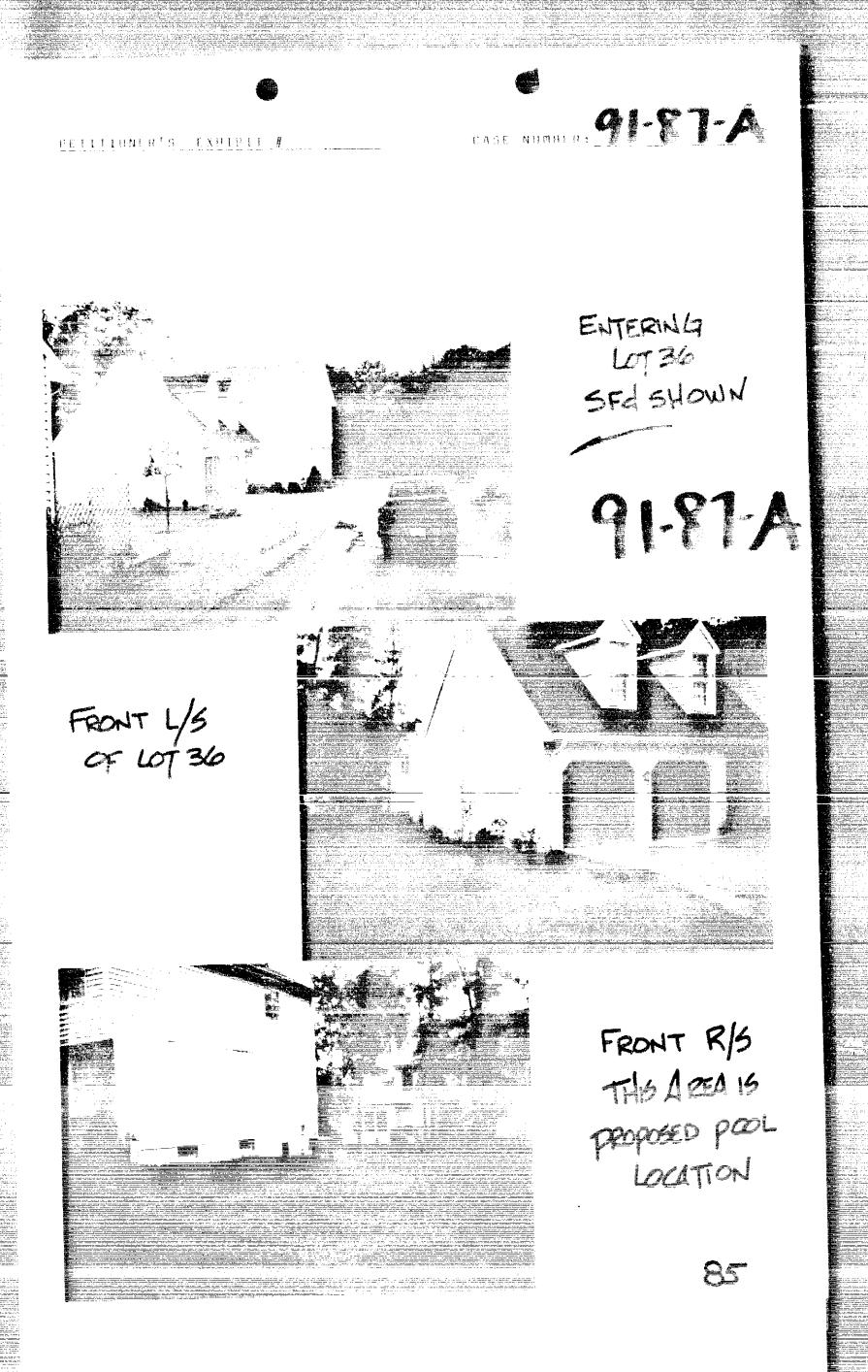
SUBJECT:

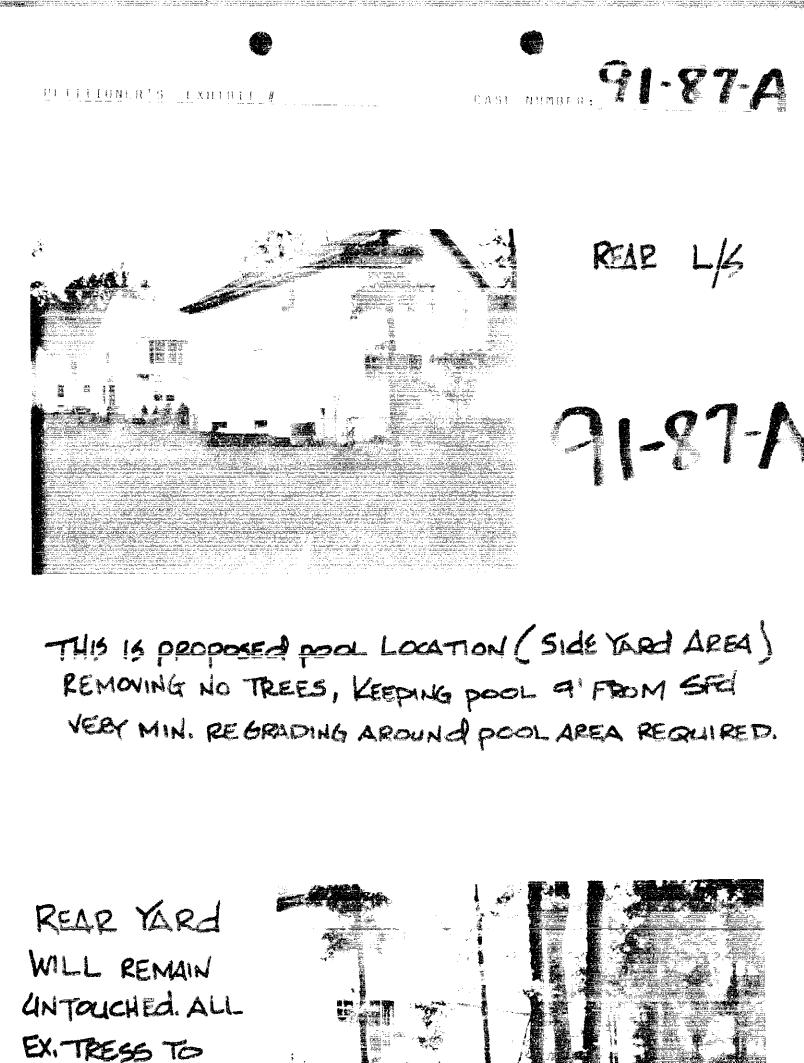
PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900. THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A

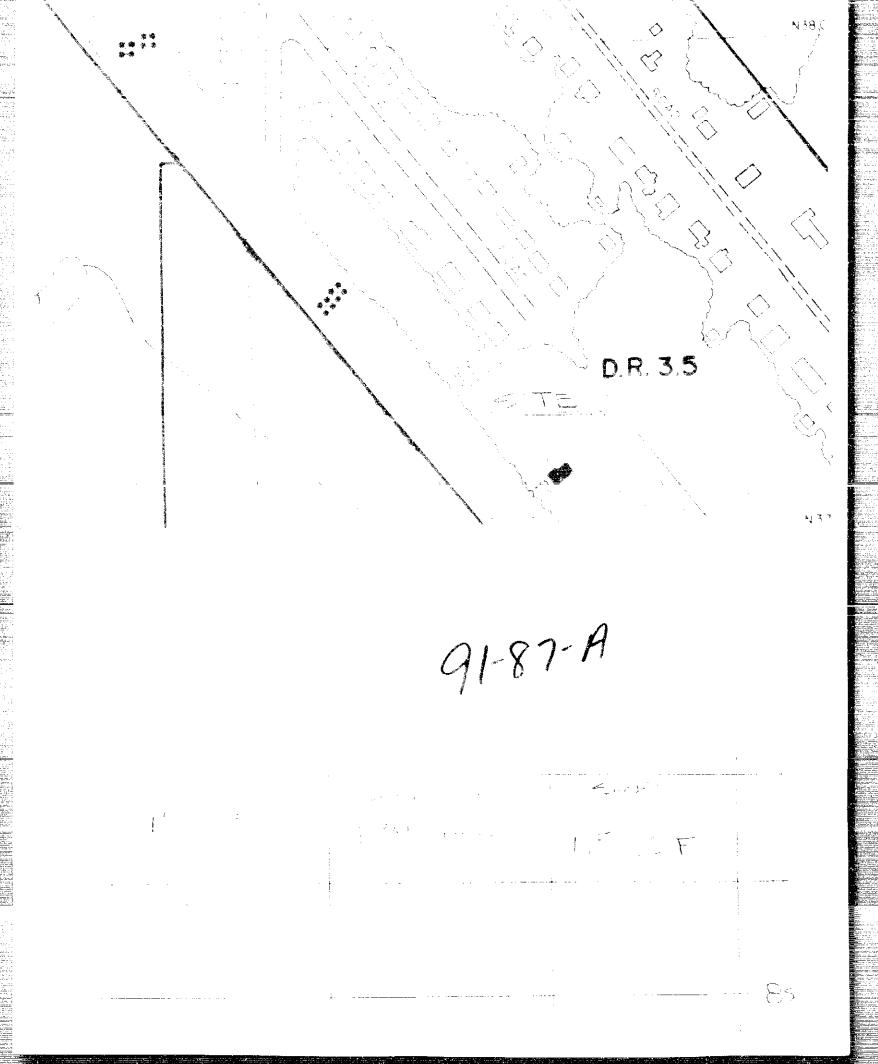
FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

一种自己的更数的复数形式上来的对方,我们就是一种是一种的人,我们就是一个人的人,他们就是一个人的人的人,我们就是一个人的人的人,他们也没有一个人的人,他们也是一个人







EX. TRESS TO

